

The Muscatine County Zoning Commission held a virtual GoToMeeting on Friday, January 8, 2021, with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper, Martha Peterson and Brad Akers in attendance. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Brent Giberson and Bree Stumbo.

Eric Furnas: For those of you that are on the line for the Zoning Commission meeting, this is Eric Furnas, Muscatine County's Zoning Administrator. In just a moment we will be opening the January 8, 2021, Zoning Commission meeting. I'm going to go ahead and take a roll call of the Zoning Commission members and then I will turn it over to the chair. Carol Schlueter?

Carol Schlueter: I'm here.

Eric Furnas: Brad Akers?

Brad Akers: I'm here.

Eric Furnas: Martha Peterson?

Martha Peterson: Here.

Eric Furnas: Tom Harper?

Tom Harper: Here.

Eric Furnas: Virginia Cooper?

Virginia Cooper: I'm here.

Eric Furnas: Okay, Chairperson Harper, all board members are present and accounted for. For those citizens who have joined us for this meeting, we are holding this remotely as you are aware, due to the Covid-19 restrictions. The meeting is being recorded and all other procedures will be followed. We would ask that when it is time for you to speak, that you identify yourself by name and your address. We will try to run things slowly so that everyone has the opportunity to unmute themselves because I'm going to ask that until you are ready to speak, that you would please mute your microphone. This just makes the meeting much more understandable and avoids a lot of feedback. So given that, Mr. Chairperson, the meeting is yours.

Tom Harper: Okay, this is Tom Harper, I am chairman of the Muscatine County Zoning Commission. I have an opening statement to read. The Muscatine County Zoning Commission is a five member group of residents of the County who are appointed by the Muscatine County Board of Supervisors. We serve as non-professionals and without compensation. Our purpose is to advise the Muscatine County Board of Supervisors on managing the growth of the County. This involves reviewing subdivisions, rezoning requests, the use of public property, and reports related to land use policy and long range planning. Recognizing that our decisions will not satisfy everyone, we attempt to base our decisions on what is best for the long term interest of the County. We ask for your input, pro or con, on issues before us in order that we may formulate the best decisions possible. Please take this opportunity to share your thoughts and concerns with us. Our recommendations are not taken lightly by the Board of Supervisors, but the Board of Supervisors, your elected representatives, make the final decisions on all issues. There were minutes from the previous meeting to approve, Eric?

Eric Furnas: Yes, I believe so.

Tom Harper: Okay, all board members should have received those and had a chance to review them. I would entertain a motion to approve those minutes?

Carol Schlueter: I will make a motion to approve the minutes from the last meeting.

Tom Harper: Is there a second?

Virginia Cooper: I second.

Tom Harper: A motion has been made to approve the minutes as written or published from the previous meeting. Are there any other comments? Hearing none, all those in favor signify by saying Aye (5) Opposed (0). The motion carried. Okay, anybody attending this meeting I would ask that you please state your name before you speak or make any comments. Eric, do you want to go ahead and read the first item?

Eric Furnas: Yes sir. Zoning Agenda Item #01. Brent A. and Rebecca S. Giberson, Record Owners, Jason R. and Christine A. Carstens, Contractor Purchasers, and Bree Stumbo, Applicant, requests approval to rezone the property located in Fruitland Township, Westgate Addition, Lot 5, 2112 Old Hwy. 61, in the SW¼ of Sec. 25-T76N-R3W, between Old Hwy. 61 and US Hwy. 61, containing approximately 2.74 acres. The applicant would like to rezone this property from the current R-1 Residential District to the proposed C-1 Commercial District in order to a build a shop for their S & R Lawn Care business.

Tom Harper: Okay, was there any correspondence Eric?

Eric Furnas: No sir.

Tom Harper: Okay, is the applicant here?

Bree Stumbo: I'm here.

Tom Harper: Okay, would you please state what you are requesting?

Bree Stumbo: Yes, this is Bree Stumbo, 513 Lorenz Street. I am requesting that Lot 5 be rezoned to a commercial one so that we can build a shop for our business, it is lawn care and snow removal primarily. We would also be purchasing Lot 4 next to it to leave that residential to build our home.

Tom Harper: Okay, Eric do you want to read staff on this?

Eric Furnas: Sure. So in looking at the surrounding area, there is existing C-1 Commercial zoning and land uses adjacent to and across the street from this proposed property. You'll see directly, I guess, to the southwest of this, there's an odd shaped parcel that is already C-1. Across the street to the northwest there's a couple of lots that is zoned C-1 as well. In discussing the proposed use with Ms. Stumbo, we do believe... although not specifically listed as a permitted use in the C-1 district, it would be materially similar to the other types of permitted uses and it wouldn't necessarily require C-2. And according to our Comprehensive Plan, C-1 is generally... the type of commercial uses that are found to be generally compatible with nearby residential use. So that would mean that you could have C-1 District adjacent to an R-1 District and not expect a lot of nuisances caused by traffic flow, lights, noises. C-2 uses, as you are aware, is a more intensive use. The Comprehensive Plan calls those out as being possibly not as compatible with being immediately adjacent to R-1. So from a staff perspective, given the type of use, the proximity to existing C-1, it would be adjacent so in staff opinion, we do not have spot zoning here, and the other uses that are of the same zoning district and classification in the area, we find this... we believe it would be supported by the Comprehensive Land Use Plan.

Tom Harper: Alright Eric we... in the past year or two, we had another property in this area that was zoned C-2 Commercial District that we rezoned to C-1 Commercial District, is that correct?

Eric Furnas: Off the top of my head I can't recall... the one I was thinking of is there was a request to go to a C-2 Commercial District but that was denied for the reasons that we just talked about. Because of the way the Comprehensive Plan speaks to the proximity of C-2 zoning in relation to R-1.

Tom Harper: Right, but we have had recent activity on rezoning in this area.

Eric Furnas: Yes, we've had a request to go up to C-2 Commercial District on some of these, and for the same reasons I just talked about, they were denied. But we have not had a recent request, I don't believe, in this immediate vicinity to go to C-1.

Tom Harper: Okay. Is there anybody here to speak for or against this this request? Hearing none, do the board members have any questions?

Brent Giberson: Could I speak on behalf of the applicant please?

Tom Harper: Yes, go ahead.

Brent Giberson: My name is Brent Giberson, I'm at 2326 Box Car Road in Muscatine. I'm currently the deed holder on that property. I did ... personally I applied for C-2 Commercial District on that several years ago and was given the concerns of the neighborhood, we did not pursue. But I feel with these folks with their business and they have young children that they want to get into the L & M school district... I like the direction that they are going with this. So I would recommend the approval.

Tom Harper: Alright, thank you. Any other discussions?

Carol Schlueter: This is Carol, okay the lot... I think you said Ms. Stumbo, you said you were going to buy the lot to the north of it and you were going to build a house there. Is that correct?

Bree Stumbo: I'm not sure if it's necessarily north, it's the lot that's right next to it and is closer to town. We would be buying that lot as well.

Carol Schlueter: Okay.

Bree Stumbo: I have two young children, we plan on building a home there, obviously I don't want any crazy noise or anything going on like that either. We are going to be living there, so we would want it to be, you know, a respectful area as well. We wouldn't be doing anything to the neighborhood that would, you know, be a nuisance essentially.

Carol Schlueter: Okay, thank you.

Virginia Cooper: This is Virginia. I would like to know what size of building they are putting up for this snow removal equipment, what the size would be.

Bree Stumbo: It would be approximately 50' x 104'. It would be a pole barn style but it would be to match our house as well, so it wouldn't blend any differently. If you look at the area there are other businesses in that area directly across the road from where we are looking at, and they do have large shops as well. So ours wouldn't be a sore thumb in that location.

Tom Harper: Okay, any other comments or discussion?

Martha Peterson: Yes, this is Martha Peterson and I was just wondering if there are any plans to develop further that area adjacent to the R-3 area?

Bree Stumbo: I do not have plans on that.

Martha Peterson: So that would be behind this property.

Eric Furnas: This property is to the north of the R-3 district. I don't know if you can see the map?

Martha Peterson: Right.

Eric Furnas: So the R-3 district you can see the smaller lots and the crosshatching, then immediately to the north of the R-3 there is some commercial C-1, there is a little residential across the road and then there is some more C-1 north of that. This would extend the existing C-1 district slightly to the north away from the R-3 district.

Martha Peterson: Well one part of the area adjacent to the R-3 is R-1 and that's what my question is, is there any plans to develop that area?

Eric Furnas: We've not received anything from the current owners of that area adjacent. That would be a separate consideration that we would have to look at and depending upon what is proposed.

Martha Peterson: And I wonder about the building, is that going to have an office in it which would have electricity and water, sewer, etc.?

Bree Stumbo: We would have electricity and water in there, but we would not have an office in there.

Martha Peterson: Thank you.

Tom Harper: Is there any other comments, questions or concerns? Okay, not hearing any, I would entertain a motion to close this public hearing so that we can have further discussion and a vote.

Carol Schlueter: This is Carol, I make a motion that we close this public hearing.

Tom Harper: Is there a second?

Martha Peterson: I'll second it, Martha Peterson.

Tom Harper: It's been moved and seconded that we close the public hearing, all in favor please say Aye (5) Opposed (0). The public hearing is now closed. Is there any further discussion amongst the board? Or if not, I would entertain a motion to go ahead and vote on this request.

Virginia Cooper: This is Virginia Cooper. I move to approve the rezoning of the property from current R-1 to Commercial C-1.

Tom Harper: Is there a second?

Martha Peterson: I will second it.

Tom Harper: The motion has been made to recommend to the Board of Supervisors approval of this rezoning from the present R-1 C-1. Is there any other discussion? Hearing none... I will take a roll call vote on this. Carol Schlueter?

Carol Schlueter: Aye in favor.

Tom Harper: Brad Akers?

Brad Akers: Yes.

Tom Harper: Martha Peterson?

Martha Peterson: Yes.

Tom Harper: Virginia Cooper?

Virginia Cooper: Yes.

Tom Harper: And Tom Harper – yes. The motion has carried. And with that I believe we are done.

Eric Furnas: Yes and for the applicant, the Board of Supervisors will also have to schedule a hearing since this is a rezoning. So you will all... the Record Owners and the applicant's and adjacent property owners will get notices as well of when the public hearing will be held by the Board of Supervisors. It's not going to be in the next couple of weeks because they have to set a public hearing date and then there are certain publication guidelines, but you will be duly notified of when the Board of Supervisors will be holding their public hearing.

Bree Stumbo: Sounds good. Thank you.

Tom Harper: Eric, any other parting words?

Eric Furnas: I don't believe I have anything, other than to say that I hope by next month we can consider an in-person meeting. I appreciate everyone's flexibility on this, it's been trying. But I think we've managed to accomplish what we want to accomplish while maintaining the open meeting guidelines. But we are going to try real hard to have an in-person meeting and yet be safe for next month. Unless there's any strong opinion on that, get ahold of me if there is and we will do so accordingly.

Martha Peterson: Are there cases for next month?

Eric Furnas: I don't know yet, I'd have to look. We haven't published anything yet. But we will let you know. Thank you.

MUSCATINE COUNTY ZONING COMMISSION

By Eric S. Furnas, Planning, Zoning & Environmental Administrator